



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

November 15, 2010

Richard Hoey, P.E.
Director of Water Resources
Department of Public Works
City of Olympia
PO Box 1967
Olympia, WA 98507-1967

Re: Request to Extend Temporary Donation of Surface Water Right Certificate S2-SWC4436
to the Washington State Trust Water Right Program

Dear Mr. Hoey:

In response to your letter of September 16, 2010 requesting to extend the temporary donation to the Trust Water Right Program Water Right Certificate S2-SWC4436 to October 1, 2011, your request is hereby granted.

An earlier letter dated November 2, 2010, sent by Ecology cancelling this extension was sent in error and is hereby cancelled.

This extension on the above-referenced water right is granted since additional time is needed for Ecology to consider the City of Olympia and Nisqually Indian tribe's Mitigation Plan for the McAllister Wellfield. Ecology anticipates receiving this plan for review in early December.

This temporary donation will expire on October 1, 2011, unless otherwise extended by the water right owner.

The parent water right, Surface Water Certificate N. 4436, authorized the withdrawal of .20 cubic feet per second for the irrigation of 20 acres during the irrigation season. The recorded place of use is located within the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 8, Township 17 North, Range 1 E.W.M.

RCW 90.42.080 provides in part that the total of any portion of the water right remaining with the donor plus the donated portion of the water right may not exceed the extent to which the water right was exercised during the five years before the donation.



In accordance with RCW 90.42.040(6), RCW 90.14.140(h), and RCW 90.14.215, a water right is not subject to relinquishment while it is managed within the Trust Water Right Program.

Ecology's acceptance of the donated water right into the Trust Water Right Program is not evidence of the validity or quantity of the water right. When the period of the trust ends, the water right will revert back to the water right holder or landowner in the full quantity accepted into the trust water program and for the original purposes.

If, prior to expiration of this temporary donation, you would like to extend the temporary donation, please send us a written request. Also, if you wish to modify any terms of your donation, your letter must include the new terms. Ecology will review your request and any new or modified terms and conditions and will notify you whether the donation can be extended.

If you have questions or concerns, please call Mike Gallagher at (360) 407-6918

You have a right to appeal this decision. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the “**date of receipt**” of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the “**date of receipt**” of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). “Date of receipt” is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your *Notice of Appeal*.
- Serve and file your appeal in paper form; electronic copies are not accepted.

1. To file your appeal with the Pollution Control Hearings Board

Mail appeal to:

The Pollution Control Hearings Board
PO Box 40903
Olympia WA 98504-0903

OR

Deliver your appeal in person to:

The Pollution Control Hearings Board
1111 Israel Road SW
Tumwater WA 98501

2. To serve your appeal on the Department of Ecology

Mail appeal to:

The Department of Ecology
Appeals Coordinator
P.O. Box 47608
Olympia WA 98504-7608

OR

Deliver your appeal in person to:

The Department of Ecology
Appeals Coordinator
300 Desmond Dr SE
Lacey WA 98503

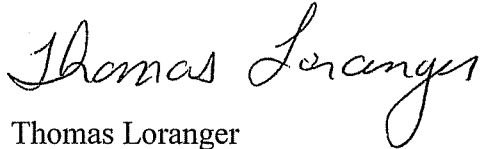
3. And send a copy of your appeal to:

Thomas Loranger
Department of Ecology
Southwest Regional Office
PO Box 47775
Olympia WA 98504-7775

*For additional information visit the Environmental Hearings Office Website:
<http://www.eho.wa.gov> . To find laws and agency rules visit the Washington State Legislature
Website: <http://www1.leg.wa.gov/CodeReviser> .*

If you have any questions, please contact Mike Gallagher at (360) 407-6918 or at
mgal461@ecy.wa.gov.

Sincerely,



Thomas Loranger
Section Manager
Water Resources Program

TL:MG:th

Enclosures: *Your Right to Be Heard*

TL:MG:th

cc: Joe Cushman, Planning Director, Nisqually Indian Tribe

